Specific questions to BEAD:

BEAD provided this information:

> Oranges (fresh): 15% domestic; 3% import (18%)
> Orange (juice): 75% domestic; 15% import (90%)
> Grapefruit (fresh)
> Grapefruit (juice)

Please provide more information on how these values were obtained. AgLogic provided its determination based on current acres of oranges and grapefruit in the US.

How is the data for imported commodities obtained since there are no uses in other countries? Where can that data be found?

AgLogic proposed restriction to the number of orange and grapefruit acres treated per year to 100,000 A; can that information be taken into consideration in the %CT?

Has BEAD seen or received the stacks of benefits letters written by the growers and University of Florida IFAS, unequivocally stating that there is no other product that is as effective as aldicarb in promoting citrus tree health, yield and brix increases as aldicarb?

Has BEAD considered that the number of juice processing plants that remain in Florida are now down from 57 to 7 due to insufficient fruit availability?

Has BEAD considered that Florida juice orange production from 2010 to now is down from about 159 million 90 pound boxes in 2009/2010 to a forecast of about 57 million boxes for the forthcoming season? [HYPERLINK "https://www.tampabay.com/news/business/2020/10/12/florida-citrus-production-again-forecast-to-drop/"]

Has BEAD considered that historically Bayer voluntarily exited the aldicarb business in 2010, and announced in March of 2011 closure of their aldicarb manufacturing plant? (EPA-HQ-OPP-2005-0163-0262). Has BEAD considered that there is in fact a positive correlation between closure of the Bayer aldicarb plant, and the consequent unavailability of aldicarb not only in the US but throughout the world?

Has BEAD considered the correlation between no aldicarb whatsoever since 2011 through October 2020 on citrus, and the precipitous ensuing decline of the FL citrus industry?

Question to HED

What residue data is being used for imported commodities? Where can that data be found?

PDP data shows that parent aldicarb has never been found on a registered crop in 75,000 samples of PDP data. Below are some paragraphs from page 34 of Bayer's July 27, 2010 Updated (2010) Aldicarb Acute Dietary Risk Assessment Including Food and Drinking Water (copy in docket EPA-HQ-OPP-2005-0163-0262).

> The presence of aldicarb parent has almost never been detected in PDP samples.
> Reviewing the last 10 years of PDP data from 1998 to 2008 encompassing more than 75,000 samples on various commodities there have only been 1 detect of aldicarb parent: sweet corn in 2003 at 0.033 ppm (there is no tolerance on sweet corn). The current PDP data for citrus (oranges, orange juice, and grapefruit) reveals no detects for aldicarb parent or aldicarb sulfone. The approach of summing all three ½ LOD values results in assumed values where in some cases the ½ LOD value in citrus is greater than many of the detected values (Figure 15). For citrus PDP data, a more realistic approach would be to use only the aldicarb sulfoxide data converted to aldicarb equivalents to examine the sensitivity of the analysis to this parameter.

Regarding the residue data used in the dietary exposure assessment, there were only 5 detects in the PDP dataset of 1,106 orange juice samples that EPA provided AgLogic. Two of the samples were detected at 0.00555 mg/L and 3 samples were detected at 0.00647 mg/L of aldicarb (or metabolites). Every other sample

in the orange juice dataset is assigned a residue level of 0.0042 mg/L, which is the additive of ½ the limit of detection (LOD) for aldicarb plus ½ the LOD of each of the aldicarb metabolites (adjusted for potency). AgLogic believes that the use of the highest ½ LOD for aldicarb plus the highest ½ LOD for each of two metabolites as the residue value for the whole treated crop in the DEEM analysis is overly conservative, given that the actual LODs identified in the PDP database for the years 2010 – 2012 for aldicarb and each metabolite is 0.003 mg/L. The dietary exposure assessment is intended to be protective, but given the very low percentage of aldicarb and metabolite detections in the PDP database, the fact that orange juice is pasteurized and aldicarb has been shown in cooking studies to degrade at elevated temperatures, and the unrealistically high percent crop treated makes the dietary exposure and risk estimate unrealistically high.

Flash pasteurization: We have confirmed that flash pasteurization of orange juice at 165 degrees F for 3 seconds is required in Florida. The PDP data are from samples taken from the point of consumption (stores). Therefore, the details of the processing procedure are irrelevant to the dietary assessment. The fact that juice is flash pasteurized at 165 degrees F, and that aldicarb is undetectable in 1,100 juice samples must be strongly weighted, in the real world risk calculations. The PDP data shows that aldicarb residues are non-detectable in 99.64% of pasteurized juice samples. Clearly aldicarb is rarely if ever detected in processed orange juice.

Questions to EFED

Is EFED aware that Florida granular pesticide applicators have given a demonstration to EPA on 10.22.2020 in Frostproof, FL showing that granules such as aldicarb are mechanically applied at a depth of 3 inches and then covered by a following press wheel to insure there are none that can come to the surface? Therefore, there is virtually zero possibility of the dense and heavy aldicarb gypsum granules rising to the surface or runoff to surface water.

Is EFED aware that aldicarb application to citrus is made under a strict EPA approved AgLogic aldicarb stewardship program? Applicators are licensed by the State of Florida, and must pass a Stewardship test which educates them about the label and well setbacks, soil restrictions, and other environmental precautions. Further the State of Florida requires Applicators apply for a permit under the Florida rule which requires them to disclose the location of each application, and the required well setbacks. During application there are monitors coordinating the application to further insure strict product stewardship. The applicators are highly experienced having treated 3,304,000 acres over an 18-year timeframe. The applicators and growers will partner with us and the State of Florida to insure proper environmental and safety rules are followed.

The proposed well setbacks for citrus (complies with FLDAC regulations on use of aldicarb (see attachment) and is similar to setbacks on the current approved label for other crops/soil types.

<table>
<tr><th>STATE</th><th>SOILS FOR WHICH RESTRICTIONS APPLY</th><th colspan="4">ADDITIONAL RESTRICTIONS</th></tr>
<tr><td rowspan="2">FL</td><td rowspan="2">Vulnerable Citrus (oranges and grapefruit only) Soils</td><td colspan="4">In Florida, state regulations Section 5E-2.028 F.A.C., require that AGLOGIC 15GG not be used on Florida oranges and grapefruit within <u>1000 feet</u> of a drinking water well regardless of depth of water table, when soils (such as those listed below) have a permeability rate greater than 20 inches per hour with an available water capacity less than 0.06 in all layers to a depth of 80 inches as identified by the U.S.D.A. Natural Resources Conservation Service, unless it is known or reasonably believed based on authoritative sources that such wells are either cased to 100 feet below ground level or a minimum of 30 feet below the water table. The U.S.D.A. Natural Resources Conservation Service which serves your county can tell you if the soils in your grove(s) fall within this category.</td></tr>
<tr><td>Adamsville, Archbold Astatula, Candler</td><td>Cassia, Lake Neilhurst</td><td>Orsino, Palm Beach, Paola</td><td>Satellite, St. Lucie, Travares</td></tr>
<tr><td>FL</td><td>Other Soils, All Crops</td><td colspan="4">State regulations require that AGLOGIC 15GG may not be applied within <u>300 feet</u> of any drinking water well. See Section 5E-2, 028, F.A.C., and additional restrictions for peanut, cotton, and oranges and grapefruit above.</td></tr>
</table>

Other Considerations

AgLogic proposed restriction number of orange and grapefruit acres treated per year to 100,000 A. Is this acceptable to the Agency?

Is the Agency on target to approve this label amendment by the PRIA date of Dec. 14, 2020?

5E-2.028 Restrictions on Use and Sale of Aldicarb; Permit Requirements and Procedures; Department Approval; Records; Penalties.

(1) Use and Sale Restrictions. The use of aldicarb in accordance with label directions is authorized statewide, with the following restrictions:

(a) Aldicarb shall be applied only during the time period for which written or electronic authorization has been issued by the department by means of an aldicarb permit.

(b) Aldicarb shall be applied only at sites for which written or electronic authorization has been issued by the department by means of an aldicarb permit.

(c) Experimental use must be authorized by the United States Environmental Protection Agency or the department.

(d) Aldicarb shall not be applied within 300 feet of any well in this state, with the exception of wells that meet the provisions of paragraph (1)(f).

(e) Aldicarb shall not be used in Florida citrus on any soil series identified by the USDA Natural Resources Conservation Service as highly permeable well-drained soil within 1,000 feet of any well, with the exception of wells that meet the provisions of paragraph (1)(f) or (1)(g). Soil series which have been identified by the USDA Natural Resources Conservation Service as highly permeable well-drained soil include but are not limited to the following:

Adamsville
Archbold
Astatula
Candler
Cassia
Lake
Neilhurst
Orsino
Palm Beach
Paola
Satellite
St. Lucie
Tavares

(f) Any well that meets the following provisions is exempt from the 300-foot and 1,000-foot setback requirements specified in paragraphs (1)(d) and (1)(e):

1. The well is not used for human consumption;

2. The well has been posted with a conspicuous warning notice stating "not for human consumption"; and

3. If the well is situated on property under different ownership from the property where the aldicarb application is to be made, a signed statement has been obtained from the well owner authorizing the posting of the warning notice specified in subparagraph (1)(f)2.

(g) The 1,000-foot setback requirement in paragraph (1)(e) shall not apply to wells for which the permit applicant has furnished the department well construction documentation confirming that the well is continuously cased to a depth of at least 100 feet below ground surface or at least to a minimum depth of 30 feet below the top of the shallowest water-producing zone recognized at the time of well construction. Well construction documentation shall consist of either a copy of the well completion report issued by the appropriate water management district or a statement certified as to accuracy by a Florida-licensed well contractor. Effective July 1, 2007, the well completion report or statement certified by a Florida-licensed well contractor must contain the following information: well location; casing depth; static water level at time of well completion if not continuously cased to a depth of 100 feet or greater; and name of water management district or Florida-licensed well contractor that issued the document. Well location must be identified by county, range, township, and section; and, effective July 1, 2007, Global Positioning System (GPS) latitude and longitude coordinates in decimal degrees. Latitude and longitude coordinates must be accurate to a minimum of five places after the decimal and must be in the format of this example: Latitude: 28.45874; Longitude: -82.08945.

(h) Warning notices specified in subparagraph (1)(f)2. shall remain in place subsequent to the aldicarb application until sampling and analysis of the well water performed or approved by the department indicate an aldicarb residue level in compliance with the standards established by the Florida Department of Environmental Protection in Chapter 62-550, F.A.C.

(i) Citrus grove use is limited to one application per tree per use season. For purposes of this rule, the citrus use season is defined as the period November 15 – April 30. Application shall not exceed the rate of 5 pounds active ingredient or 33 pounds of 15G formulation per acre.

(j) Any drinking water well found to contain aldicarb residues in excess of the standards established by the Florida Department of Environmental Protection in Chapter 62-550, F.A.C., shall have further use of the chemical within 1,000 feet of the well suspended immediately. The suspension shall remain in effect until the well has undergone remedial treatment in a manner acceptable to the department or until subsequent sampling and analyses of the well water performed or approved by the department indicate residue levels in compliance with standards established by the Florida Department of Environmental Protection.

(k) Sales documents from any person selling or distributing aldicarb in Florida shall state: "For use only as authorized by Rule 5E-2.028, F.A.C."

(2) Permit Requirements and Procedures.

(a) Prior to applying aldicarb in this state, the licensed applicator shall obtain a permit to apply aldicarb in Florida. Permits may be obtained by filing an application for permit with the department and meeting all permit requirements. Applications shall be filed either electronically on the web site http://www.flpesticidepermits.org or in hard copy by delivery of a completed Application for Permit to Apply Aldicarb (Temik), Form DACS-13317, Rev. 06/08, to the address listed on the form. For the purposes of this rule, filing means received by the department. Licensed pesticide applicators may obtain a username and password to use the electronic filing process by submitting a completed Request for Username and Password for Electronic Temik Permit Application, Form DACS-13356, Rev. 04/08, to the address listed on the form.

(b) Each application site shall be listed on a separate permit application. Application sites situated in more than one township, range, and/or section must be submitted as multiple sites, with each site identified as one entry with a distinct township, range, and section.

(c) Each application site must be identified with county, range, township, and section; and, effective July 1, 2007, indication on a section diagram of all 1/4 of 1/4 sections in which any part of the application site is situated.

(d) With the exception of non-drinking wells that meet the provisions of paragraph (1)(f), well location must be provided for each well that determines an application setback at the application site based on the requirements of paragraph (1)(d) or (1)(e). Well location does not need to be provided for any well that meets the provisions of paragraph (1)(f), but the number of such wells within the application site must be provided. Well location must be identified by county, range, township, and section; and, effective July 1, 2007, Global Positioning System (GPS) latitude and longitude coordinates in decimal degrees. Latitude and longitude coordinates must be accurate to a minimum of five places after the decimal and must be in the format of this example: Latitude: 28.45874; Longitude: -82.08945.

(3) Forms.

(a) Form DACS-13317, Rev. 06/08, Application for Permit to Apply Aldicarb (Temik), hereby adopted and incorporated by reference, may be obtained from the web site http://www.doacs.state.fl.us/onestop/aes/temik.html or from the Pesticide Certification Section, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399; telephone (850)488-3314.

(b) Form DACS-13356, Rev. 04/08, Request for Username and Password for Electronic Temik Permit Application, hereby adopted and incorporated by reference, may be obtained from the web site http://www.doacs.state.fl.us/onestop/aes/temik.html or from the Pesticide Certification Section, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399; telephone (850)488-3314.

(4) Department Authorization.

(a) No person shall apply aldicarb in this state unless written or electronic authorization has been issued by the department by means of an aldicarb permit.

(b) No person shall apply aldicarb in this state to any site until an aldicarb permit has been approved for that site.

(c) The department shall designate on the permit the time period during which aldicarb is approved for application. The time period authorized for application shall not exceed six (6) months.

(d) Department authorization is not transferable.

(e) The department shall deny permit applications that list application sites in areas determined by the department to be unsuitable for aldicarb application. Areas unsuitable for aldicarb application are those geographic areas in which potable well water sampling has revealed a pattern of detections of aldicarb or aldicarb residues at concentrations exceeding water quality standards established by the Florida Department of Environmental Protection in Chapter 62-550, F.A.C. Petitions for the reversal of

determinations of unsuitability for aldicarb application shall be submitted to the department for review and consideration. In reviewing such petitions, the department shall evaluate the adequacy of documentation submitted by the petitioner to demonstrate that proposed reintroduction of aldicarb use would not result in water quality violations in potable wells in the area. Pending approval of the submitted documentation, the department shall require the petitioner to provide written permission to reverse the unsuitability determination from all property owners affected by the proposed change.

(5) Records. Each applicator shall maintain a copy of all aldicarb permits approved by the department for that applicator, including all attachments, for a minimum of 2 years. These records shall be made available upon request by an authorized representative of the department. For permit approvals issued to the applicator via the web site http://www.flpesticidepermits.org, upon request by an authorized representative of the department, the applicator must either provide a printed copy of the permit information from the web site or make the permit information available by computer screen for review and printing by the department representative.

(6) Penalties. The use, sale, distribution or application of aldicarb by any person in a manner inconsistent with the provisions of this rule is a violation of Chapter 487, F.S., and subject to the penalties described therein.

Rulemaking Authority 487.042, 487.051, 570.07(23) FS. Law Implemented 487.051, 487.160 FS. History–New 1-1-84, Amended 4-8-84, 5-8-85, Formerly 5E-2.28, Amended 2-9-93, 7-18-95, 9-21-98, 3-28-02, 11-8-06, 9-18-08.